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## UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

FOLEY AND LARDNER, LLP  
SUITE 500  
3000 K STREET N.W.  
WASHINGTON, DC 20007

Appeal No: 2009-000421  
Appellant: Mark Landesmann  
Application No: 09/888,439  
Hearing Room: A  
Hearing Docket: B  
Hearing Date: Wednesday, July 08, 2009  
Hearing Time: 09:00 AM  
Location: Madison Building - East Wing  
600 Dulany Street, 9th Floor  
Alexandria, Virginia 22313-1450

NOTICE OF HEARING  
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299


USPTO Central Fax No: (571) 273-8300

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Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. BOX 1450  
Alexandria, Virginia 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: ☒ HEARING ATTENDANCE CONFIRMED ☐ HEARING ATTENDANCE WAIVED

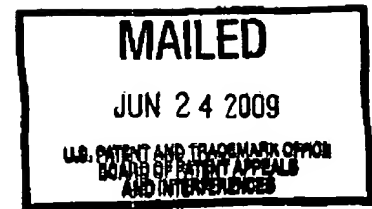
  
Signature of Attorney/Agent/Appellant

June 26, 2009  
Date

26,874  
Registration No.

Names of other visitors expected to accompany counsel: \_\_\_\_\_

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
[http://www.uspto.gov/hq/office/dean/counsel/contact.htm#bpa\\_contacts](http://www.uspto.gov/hq/office/dean/counsel/contact.htm#bpa_contacts)

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JUN 26 2009UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

*In re Mark Landesmann* )  
Application 09/888,439 ) Appeal No. 2009-000421  
Filed: June 26, 2001 )  
\_\_\_\_\_ )

ORDER DENYING REQUEST TO RESET HEARING DATE

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences has been set for July 8, 2009 at 9:00 am. The notice setting the hearing was mailed to counsel on May 27, 2009. In a facsimile letter dated June 19, 2009, applicant filed a request entitled Letter Requesting Postponement of Scheduled Hearing. The request is DENIED.

An earlier request for postponement of this same hearing was approved on April, 22, 2009. In this Order it states "No further request for postponement will be permitted. Any further request for postponement will be treated as a waiver of the Request for Oral Hearing."

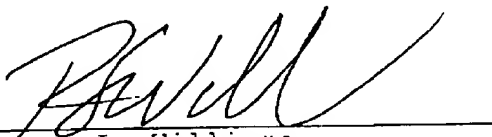
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For the reasons given above, it is

Ordered that the request to reschedule the hearing to a  
another date after July 8, 2009 is denied, and it is

FURTHER ORDERED that, the counsel is given until June  
30, 2009, to submit confirmation for this hearing or subject case  
will be decided on brief.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

  
Roger L. Williams  
Administrative Officer  
(571) 272-9797

**FAXED ON: June 23, 2009**  
**FAX NO: (202) 672-5399**

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